



A GUIDE TO PERMIT PROCESSING IN THE DEPARTMENT OF CITY PLANNING

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NOTICE

- This pamphlet concentrates on the Department of City Planning's role in reviewing building permit applications. It does not describe the Bureau of Building Inspection's role of evaluating compliance with the Building Code and the Housing Code.
- This general guide is oriented to residential activity and does not address commercial projects such as office buildings.
- This general guide does not replace the City Planning Code. The Planning Department is bound by the specific language of the Planning Code. If you have any doubt about the rules that apply to your situation you should read the applicable section(s) of the Code.

Information Section
Department of City Planning
100 Larkin Street
San Francisco, CA 94102
(415) 558-3055

A Guide to permit
processing in the
1981.

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INTRODUCTION

Building permit applications that are incomplete, incorrect, or unclear encounter delays in processing that can be avoided if the applications are properly prepared. This pamphlet is intended to help you prepare your application for a building permit. The information provides a general guide to the normal requirements for residential building permits. It also provides a general description of how the Department of City Planning reviews building permit applications.

The Department of City Planning reviews applications to ensure that the project will comply with the requirements in the City Planning Code and the policies of the Master Plan (see page 18). The department is especially concerned with:

- **Type of Use**

Controlling business uses in residential areas, preserving separate areas for single family dwellings, small apartment buildings, and large apartment buildings

- **Height**

Controlling the height of buildings to preserve the character of San Francisco and its neighborhoods

- **Rear Yard**

Preserving open space in residential areas

- **Front Set Back**

Assuring each building is back from the street to a similar degree so the appearance of the block is preserved

- **Off-Street Parking**

Preserving existing off-street parking and providing additional off-street parking space for new dwelling units

- **Open Space Requirement**

Ensuring that each building or dwelling unit includes some outdoor area (deck, rooftop, yard, etc.) that can be used for recreation

I. EVALUATING YOUR PROJECT

This chapter discusses some of the important standards and requirements that commonly apply to proposed projects. Reading this section before preparing your permit application can help you avoid problems later on.

Type of Use

The Zoning Use District describes how your property may be used: single-family houses, apartment buildings, office buildings or industrial buildings. To determine what uses are permitted you must find out what Zoning Use District applies to your property.

First, you must identify your block and lot number. This can be accomplished by referring to the title report for your property; by calling the San Francisco Assessor's Office; or by using either the *Realty Index* or *Realdex* guides that are available at the library or most real estate brokerage offices. You may also call the Department of City Planning.

After obtaining your block and lot number you should contact City Planning. Tell them your block and lot number and ask them to look up your Zoning Use District in the *Block Book*. You can then ask Zoning Information at City Planning whether your project is permissible in that Zoning Use District. Table A in this pamphlet also describes some of the permitted uses. Article 2 of the Planning Code lists all the permissible uses for each Zoning Use District.

In addition to the primary use permitted in your Zoning Use District, other uses may be permitted. Some of these alternatives may be permitted only if the Planning Commission votes to approve them as a Conditional Use. (Section 209-209.9).

Height

Article 2.5 of the Planning Code describes the maximum building height that is permitted. The City is divided into Height and Bulk Districts that are shown on the Official Zoning Map, and the allowable height for your property depends on which district applies to your property. Table A in this pamphlet will be helpful in determining allowable height, but if your project will be close to the limit you should discuss the matter with City Planning. The methods for measuring height are very specific and are especially important for properties on inclines. (Sections 102.11, 260-263).

Rear Yard

If your project involves constructing anything in your rear yard, you'll need to consider the minimum open rear yard requirements of the Planning Code.

Go to Table A in this pamphlet and refer to the Zoning Use District that applies to your property. Look under the column heading "Rear Yard" to find out whether your zoning has an "A" or a "B" rear yard requirement.

If an "A", the open rear yard must be 25% of the total depth of your lot, but not less than 15 feet (Section 134). For example, if the total lot depth is 100 feet, the open rear yard must be at least 25 feet measured from the rear of the structure to the rear property line.

If a "B", the open rear yard must be 45% of the total lot depth *or* you may elect to use the average depth of the open rear yards on either side of your lot (Section 134). If you elect to use the averaging method, you must comply with these conditions:

1. The resulting rear yard must be equal to 25% of the total depth of your lot or 15 feet, whichever is greater; and,
2. The last 10 feet of any structure constructed in the reduced rear yard is limited to a height of 30 feet.

Front Set Back

If you intend any construction at the front of your property, your project may be subject to the front set back regulations that control the appearance of the neighborhood from the street. In residential use districts (RH or RM Zoning), your property must be set back from the front property line by a distance equal to the average set back of the buildings on either side of your property. However, your structure is not required to be set back *more* than the lesser of 15 feet or 15% of the total lot depth, no matter what the averaging method indicates (Section 132.e).

From time to time, the Board of Supervisors passes legislation that creates special front set back requirements in certain areas. Such special requirements override the requirements described above. You should ask Zoning Information at City Planning whether your block and lot are subject to such a legislated front set back.

The method for measuring front set backs is very precise so if your project is close to the limit you should read sections 132(c) and 132(d) to avoid mistakes.

The following example describes how to determine your required set back.

Your lot is 125 feet deep. The building on your right is 15 feet back from the front property line and the building on the left is 10 feet back. The average set back is 12.5 feet ($15 + 10 = 25$, $25 \div 2 = 12.5$); so you may not construct the front wall of your building any closer than 12.5 feet to the front property line. Some projections, such as steps, are permitted closer to the front property line (Section 136).

Off-Street Parking

Projects that involve any reduction in the number of off-street parking spaces, whether in a building or an open area, are specifically forbidden by Section 150(d).

Construction of any new dwelling units is not permitted unless there is off-street parking for each new unit.

Adding Dwelling Units

You may add an additional dwelling unit to your building or on your property if the following criteria are satisfied:

- The additional unit is permitted under your Zoning Use District
- The height limitation for your Height and Bulk District is met
- The usable open space and rear yard requirements are met
- The side yard requirement for lots zoned RH-1D are met
- The front set back requirement is satisfied
- *And*, one additional off-street parking space is provided for each unit

In addition to these Planning Code requirements, you should check with the Bureau of Building Inspection for other requirements such as sprinkler systems and fire escapes.

Illegal Units

If your building has more dwelling units than permitted by the current Zoning Use District for your property, the Department of City Planning is obligated by law to rigorously pursue removal of the excess units unless you can prove their legality. The Bureau of Building inspection will also become involved. Your building permit application will not be processed until the excess units have been declared legal.

Proving the legality of the excess units is difficult. You must prove three sets of facts.

1. The number of units in your building did conform to requirements of the Planning Code when the usage began;
2. Usage of the excess units has continued without interruption since the more restrictive Code provisions were established; and,
3. Any remodeling done to create the excess units was authorized by a building permit.

It is extremely difficult to establish that the units have been in continuous use. Affidavits from neighbors attesting to the continuous use are *not* acceptable. City Directory listings are accepted as are the records from utility companies.

Your best approach is to make certain the number of units conforms to the current Zoning Use District provisions *before* you apply for a building permit.

II. PREPARING YOUR BUILDING PERMIT APPLICATION

If at all possible you should discuss your project with your neighbors before you prepare final plans and submit a building permit application. Tell them what you are planning; and if they object, find out why. Get the facts, and always try to resolve any disputes before applying.

You should also refer to the Planning Code to see whether your neighbors' opposition may prevent your project or force you to modify the project. Even when your project satisfies all the Codes and a building permit is approved, the neighbors can cause delay and possible changes by filing an appeal with the Board of Permit Appeals. See page 12 for more information on such appeals.

Applications

The Central Permit bureau at 450 McAllister Street will provide the appropriate application form based on the nature of your project.

The Building Inspector at the Central Permit Bureau can provide information booklets on the building permit process and answer questions about completing the application form. You should read the application and ask questions before you begin filling it out. Be certain to ask if either the Bureau of Building Inspection or City Planning will require plans.

Drawings

Most projects will require structural plans so the Bureau of Building Inspection can evaluate conformity with the Building Code. Simple projects such as a small ground level deck may require only a clear sketch. Sometimes, as in the case of sheetrocking existing walls, no plans are required for your project.

If your project requires review by City Planning, one or more special drawings may be required. The most common special drawings are:

- A plot plan that depicts the location of your structure on your lot as well as the structures on the lots to either side of yours

- An elevation drawing that illustrates the height of the building and the slope of your lot
- A floor plan that describes how the interior is to be used. These different types of drawings are illustrated on pages 21, 22, 23

If your project is an addition to an existing structure, the special drawings must illustrate what exists currently and what will exist when the project is completed. You should ask what drawings are required so you can submit them with your application. Otherwise, City Planning will delay processing your application until the drawings are submitted.

Filing Your Application

You must file your completed application in person with the Central Permit Bureau, 450 McAllister Street. You should be prepared to pay the plan-check fee and the application fee, both of which vary depending on the size of your project. The Central Permit Bureau will send your permit application to the appropriate review agencies.

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III. THE REVIEW PROCESS

This chapter describes some of the principal steps in City Planning's review process.

Reviewing Agencies

The Bureau of Building Inspection (BBI) will review your application to make certain the project is safe. Its review is governed by the criteria set forth in the Building Code and the Housing Code. If it appears that there will be a change in the type of use or in the size of the building, BBI will ask City Planning to review your application. Other agencies such as Health or Redevelopment may also be asked to review your application.

City Planning reviews applications for all new buildings. It also reviews applications for alteration projects if the proposed alteration involves any of the following:

- Costs will be greater than \$100,000
- An increase or decrease in the number of dwelling units or kitchens
- An increase in the size of a building (an addition or a projection such as a deck)
- An increase or decrease in the number of parking spaces in a building or its parking lot
- The remodeling of previously uninhabited areas such as a storage room, garage or basement
- The creating of new doors for entering or leaving the building
- The remodeling of designated landmark buildings (see official List of Landmarks, Article 10, Appendix A, Planning Code)
- The existing building has more kitchens than legal dwelling units (even if no construction will be done near the kitchens)

Possible Results of City Planning Review

City Planning will conduct a "Basic Plan Check" to determine whether your project conforms to the Planning Code. If your application is unclear or incomplete, you will be contacted by mail and asked to provide more information. If you do not respond within the time period specified on the notice, your application will be cancelled.

Application Requires Additional Processing

If the Basic Plan Check determines that your project does not satisfy the requirements of the Planning Code, City Planning will send a notice explaining its findings. The notice will specify what does not conform with the Code and what actions are required. For example, your proposed project may require an Environmental Evaluation or it may be that the project violates a Code requirement. You should contact the Plan Checker who sent the notice to discuss the findings and your alternatives. It may be that by making minor changes to your project it will conform and you can avoid having to seek approval through a special proceeding such as Variance or Conditional Use. For information on the special proceedings refer to Chapter IV of this pamphlet.

To avoid automatic cancellation of your permit application you must either submit redesigned plans or initiate application for special proceedings within the time limit specified on the notice you receive from City Planning.

Application Subject to Environmental Review

If the Basic Plan Check determines that your project may have a significant adverse effect on the environment, you will be notified that an Environmental Evaluation is required. All large new buildings are subject to review as are smaller structures being converted to a new use that may significantly affect the environment (e.g., noise, traffic). All construction in sensitive landslide areas will be reviewed.

You will be required to complete an Environmental Evaluation form (fee required) and City Planning's Environmental Review Section will evaluate the project to determine its environmental consequences. If this preliminary review concludes there are no adverse consequences, the department will issue its findings. If further, more detailed study is required, you may be asked to prepare an Initial Study and possibly a full Environmental Impact Report.

While the Environmental Review is in progress, action on your building permit application will be temporarily suspended.

IV. SPECIAL APPROVALS AND SITUATIONS

This chapter discusses the special approvals that have been mentioned elsewhere in more detail. It also describes procedures for condominium projects and lot splits, both of which have become more common in recent years. All of these proceedings require significant additional effort and extra application fees. There can be no guarantee of the outcome since there is considerable judgment and public involvement with each process. If you are successful in obtaining a special approval, you still need to obtain a building permit.

Variances

When your project fails to meet a quantitative standard of the Planning Code such as the required rear yard or number of parking spaces, you may apply for a Variance. You must complete an application form and pay an application fee based on the projected cost of your project. In the application you must demonstrate that your project satisfies the five requirements set forth in Section 305. The Zoning Administrator will research the facts associated with your application, conduct a public hearing on the matter and issue a decision following the hearing. Decisions may be appealed to the Board of Permit appeals, but your appeal must be filed within 10 days of the written decision.

Conditional Uses

When your intended use does not fall within the principal uses established for the Zoning Use District that applies to your property, it *may* be permitted as a Conditional Use. Section 303 describes the Conditional Uses that *may* be approved within each Zoning Use District.

You should study Article 2 to determine whether your intended use may qualify for a Conditional Use. If you believe you may qualify, you must prepare a Conditional Use application and pay the application fee. City Planning will research the facts and prepare a recommendation for action by the Planning Commission. The Commission will conduct a public hearing and reach a decision by majority vote. Frequently, the Commission attaches mandatory conditions to its approvals such as limited hours of operation or special provision for parking. Commission decisions are issued as resolutions that may be appealed to the Board of Supervisors.

Zoning Changes (Section 302)

When your intended use does not fall within either the principal uses or the possible condition uses for your Zoning Use District, you may apply for a zoning change. However, changes in zoning are very difficult to justify, and few applications are approved.

Submit your application to City Planning which will research the facts and prepare a recommendation for action by the Planning Commission. A public hearing is conducted by the Commission which reaches its decision by majority vote. When the Commission approves the proposed change, its decision is submitted to the Board of Supervisors for final action by majority vote. If the Planning Commission disapproves a proposed change, an appeal may be made to the Board of Supervisors.

Condominiums and Condo Conversions

If you are proposing a condominium project, you will be subject to the Subdivision Code. This code governs procedures for dividing a single property (a building or vacant land) into smaller separate units and establishes requirements for provision of low/moderate income units, tenants rights, and the public hearing process.

Applications may be picked up at Room 352 in City Hall from the Bureau of Maps and Surveys, which administers the Subdivision Code. City Planning will review the proposed project for conformity with the Planning Code and also to assure compliance with the condominium regulations. In addition, City Planning evaluates whether the project is consistent with the *Master Plan*. On condo conversions involving 5 or more units, a public hearing is conducted by the Planning Commission which decides by majority vote whether the project should be approved. The decision of the Planning Commission may be appealed to the Board of Supervisors.

Regulations governing condominium projects are complex and involve substantial paperwork. You should study the information that is available from City Planning's Information Counter and the Bureau of Maps and Surveys before beginning a project.

Lot Splits

If you wish to divide your lot into multiple lots, you will be subject to the Subdivision Code that is administered by the Bureau of Maps and Surveys (Room 352, City Hall).

Applications may be picked up at Room 352. The Bureau of Maps and Surveys refers the application to City Planning for its determination that the proposed lots conform to Planning Code standards such as lot size and width. In addition, City Planning evaluates whether the lot split is consistent with the *Master Plan*.

Discretionary Review

The Planning Commission may elect to review a project proposed in a pending building permit application if the Commission believes the construction of the project could have detrimental effects on the community. This discretionary power, though rarely used, may be applied to any project including those that comply with the various codes. In addition to this selective process, the Commission periodically designates types of projects (e.g., highrises) that will uniformly be subject to Discretionary Review.

The Commission first decides to exercise its Discretionary Review power by majority vote. The staff of City Planning then conducts research to identify the facts and explore the issues. The Commission, having reviewed the documentation prepared by the staff, conducts public hearings and reaches its decision by a majority vote. Commission decisions may be appealed to the Board of Permit Appeals.

V. USEFUL BACKGROUND INFORMATION

This chapter provides a brief overview of the reviewing agencies, their responsibilities, and the controls over land use in San Francisco.

Review of Building Permit Applications

Applications are filed at the Central Permit Bureau which sees that applications are sent to the appropriate City agencies for review.

Bureau of Building Inspection: Administers the provisions of the Building Code and the Housing Code. The Building Code sets the minimum standards for construction techniques and materials. The Housing Code establishes the minimum standards for habitability such as amount of heat, plumbing, and light.

Department of City Planning: Administers the City Planning Code and also assures conformity with the policies of the *Master Plan*. In addition, the City Charter requires that City Planning review any use permits approved by other agencies (such as a police permit to operate a cabaret) to ensure compatibility with the neighborhood zoning.

Other Potential Reviewing Agencies: The nature or location of the project may cause other departmental reviews to be required:

- Fire Department reviews for life and safety
- Health Department administers the Health Code that regulates facilities such as restaurants and health care centers
- Redevelopment Agency reviews projects intended for property controlled by the Redevelopment Agency
- Bureau of Engineering reviews private projects that may infringe on public right-of-ways, such as streets
- Police Department reviews permits for places of adult entertainment

Control of Land Use in San Francisco

The Planning Commission, a body appointed by the Mayor, is responsible for adopting and maintaining the *Master Plan* for San Francisco. This comprehensive plan, required by State law and the City Charter, sets general policies and objectives that govern land use in the City. The *Planning Code and Zoning Map* describe specific standards that implement the policies and objectives set forth in the *Master Plan*. The Board of Supervisors periodically amends the Planning Code and Zoning Map after receiving recommendations from the Planning Commission. The Planning Code is one chapter of the *Municipal Code* which also includes chapters for the Subdivision Code, the Building Code, and the Housing Code.

SOURCES OF FURTHER INFORMATION

Listed below are some references to documents and City agencies that you may find helpful in preparing your building permit application.

PLANNING CODE

BUILDING CODE

ZONING MAPS

Most branches of the San Francisco Public Library have reference copies of these Codes and maps. Or you may purchase them at any of the following local bookstores: Books Plus, Civic Center Books, Lake Law Books, Stacey's, Stove Plumber's Supplies, Inc.

BLOCK AND LOT NUMBER

- Contact the San Francisco Assessor's Office at City Hall (558-3931).
- Refer to the *Realty Index* or the *Realdex* available at many real estate brokers.
- Call Department of City Planning Zoning Information Service (558-3055).

ZONING USE DISTRICT

HEIGHT AND BULK LIMITS

- Contact Department of City Planning Zoning Information Service 558-3055.

BUILDING PERMIT APPLICATIONS

*INFORMATION BOOKLETS ON "NEW" AND "ALTERATION"
BUILDING PERMITS*

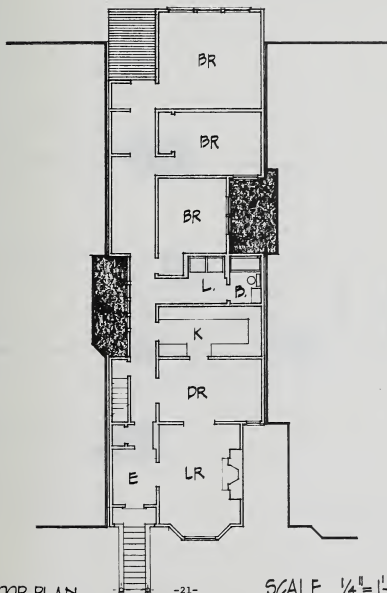
- Bureau of Building Inspection
450 McAllister Street
558-3301

APPLICATIONS FOR BOARD OF PERMIT APPEALS

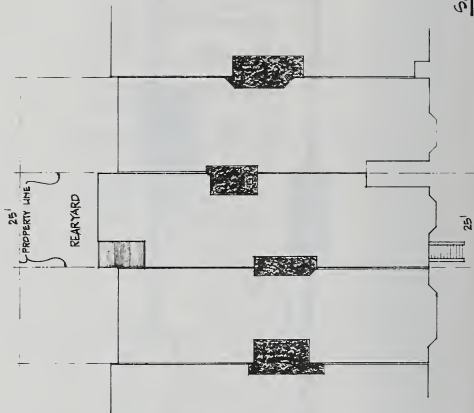
- Board of Permit Appeals
City Hall, Room 154-A
558-4421

*APPLICATIONS AND INFORMATION ON SUBDIVISIONS
(LOT SPLITS AND CONDOS)*

- Bureau of Maps and Surveys
Department of Public Works
City Hall, Room 352
558-4972



1ST FLOOR PLAN



SCALE 1" = 20'

▲ SITE PLAN



FRONT ELEVATION

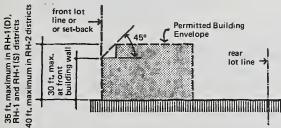
SCALE $\frac{1}{4}'' = 1'-0''$

**TABLE A
PLANNING CODE STANDARDS
FOR RESIDENTIAL DISTRICTS**

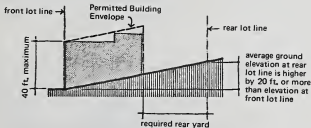
ZONING USE DISTRICT	MAXIMUM DWELLING UNIT DENSITY (Sec. 109.1)	FRONT SET-BACK REQUIREMENTS (Sec. 132)	REAR YARD REQUIREMENTS (Sec. 134)	USABLE OPEN SPACE REQUIREMENTS FOR DWELLING UNITS (Sec. 135)	HEIGHT (Sec. 261)	OTHER SPECIAL REQUIREMENTS
RH-1(D)	One	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 feet. (A)	300 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	35 ft. height limit; 30 ft. at front of property.	(Sec. 133) Side yards; requirement based upon lot width.
RH-1	One or up to one unit per 3,000 sq. ft. of lot area (maximum of 3 units) with conditional use approval.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 feet. (A)	300 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	35 ft. height limit; 30 ft. at front of property.	
RH-1(S)	Same as for RH-1, or, 2 dwelling units per lot with second unit limited to 600 sq. ft. of net floor area.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 feet. (A)	300 sq. ft. for first unit and 100 sq. ft. for minor second unit if all private; common space substituted must be 1/3 greater.	35 ft. height limit; 30 ft. at front of property.	
RH-2	Two or up to one unit per 1,500 sq. ft. of lot area with conditional use approval.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	45% of lot depth, except for reductions based upon average of adjacent buildings, if averaged last 10 feet of building limited to height of 30 feet. (B)	125 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	40 ft. height limit; 30 ft. at front of property.	(Sec. 144) Limits on parking entrances and blank facades.
RH-3	Three or up to one unit per 1,000 sq. ft. of lot area with conditional use approval.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	45% of lot depth, except for reductions based upon average of adjacent buildings, last 10 feet limited to height of 30 ft. (B)	100 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	40 ft. height limit.	(Sec. 144) Limits on parking entrances and blank facades.
RM-1	One dwelling unit per 600 sq. ft. of lot area.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	45% of lot depth, except for reductions based upon average of adjacent buildings, if averaged, last 10 feet of building limited to height of 30 feet. (B)	100 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	40 ft. height limit.	(Sec. 144) Limits on parking entrances and blank facades. (Sec. 145) Building stepping or multiple pedestrian entrances on wider lots.
RM-2	One dwelling unit per 600 sq. ft. of lot area.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	45% of lot depth, except for reductions based upon average of adjacent buildings, if averaged, last 10 feet of building limited to height of 30 feet. (B)	80 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	Height as shown on sheets 1H to 17H of Zoning Maps.	(Sec. 144) Limits on parking entrances and blank facades. (Sec. 145) Building stepping or multiple pedestrian entrances on wider lots.
RM-3	One dwelling unit per 400 sq. ft. of lot area.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 ft. (A)	60 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	Same as above.	
RM-4	One dwelling unit per 200 sq. ft. of lot area.	Based upon average of adjacent buildings, up to 15 ft. or 15% of lot depth.	25% of lot depth, but no less than 15 ft. (A)	36 sq. ft. per unit if all private; common space substituted must be 1/3 greater.	Same as above.	

SPECIAL BUILDING HEIGHT LIMITS

- A. Height at front of building limited to 30 foot maximum
 Affected Zoning Use Districts: RH-1(D), RH-1, RH-1 (S), RH-2
 Section 261(c)1



- B. Height can be increased to 40 feet when the average ground elevation at the rear property line is 20 feet or more higher than at the front property line
 Affected Zoning Use District: RH-1(D), RH-1, RH-1 (S)
 Section 261(b)1(A)



- C. The height shall be limited to 30 feet when the average ground elevation at the rear property line is lower by 20 feet or more than at the front property line
 Affected Zoning Use Districts: RH-1(D), RH-1, RH-1 (S)
 Section 261(b)1(B)

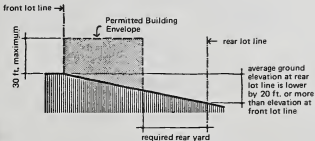


Exhibit B

Allowable Height of Decks
Constructed in Required Rear Yard
Section 136 (c)

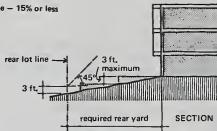
Maximum Height of
Deck Floor Above Ground

When Allowed

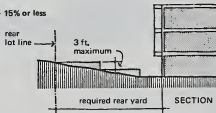
A. 3 ft.

Ground slope is 15% or less,
either upslope or downslope

Downslope — 15% or less



Upslope — 15% or less



B. Refer to
Section 136(c)24(a)

Ground slope is greater than
15%, either upslope or down-
slope

Exhibit C

Reduction of Required Rear Yard By Averaging Method

1. General rule. In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Provided, that in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code. Section 134(c)1

